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August 24, 2023

VIA ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *The Charter Oak Fire Ins. Co. v. Accredited Surety & Cas. Co., et al.*,
Docket No. 21-cv-5522 (JGK) (S.D.N.Y.)**

Joint Request for Adjournment of Deadlines

Dear Judge Koeltl:

This office represents Defendant State National Insurance Company (“SNIC”) in the above-referenced action, and we are joined by ***both*** of the other parties in this action – Defendant Accredited Surety and Casualty Company (“Accredited”) and Plaintiff The Charter Oak Fire Insurance Company (“Travelers”), the latter of which filed a letter to the Court dated August 18, 2023 (ECF No. 47), stating its intent to move for partial summary judgment (the “August 18, 2023 Letter”). By Order dated August 18, 2023 (ECF No. 48), Your Honor requested a response to the August 18, 2023 Letter by August 25, 2023, and scheduled a pre-motion telephone conference for September 13, 2023.

As the parties have previously reported to the Court (*see, e.g.*, ECF No. 45), they have been in negotiations with non-parties Zurich American Insurance Company and Colony Insurance Company, the general liability insurers for non-parties Brookfield Properties OLP Co. LLC and Friedman LLP, respectively, regarding issues involved as a necessary predicate to resolving the instant declaratory judgment action. Those negotiations, which unexpectedly took several months, recently concluded, and all of the parties to this action – SNIC, Accredited and Travelers – are now actively moving towards final resolution of this action.

As such, all of the parties to this action jointly agree that all counsels’ ongoing efforts towards finalizing resolution of this action would be more productive and more judicially efficient than engaging in motion practice at this time. For that reason, all parties jointly request that the Court adjourn the scheduled pre-motion telephone conference until **November 15, 2023**, and that the deadline to file a joint pre-trial order be extended from its current date of September 18, 2023, or 21 days after decision of any dispositive motion, to **November 13, 2023**, or 21 days after

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decision of any dispositive motion, to facilitate the finalization of the parties' ongoing settlement efforts.

Following the filing of Travelers' Second Amended Complaint (ECF No. 35), the Court ordered the parties to submit a new Rule 26(f) report (*see* ECF No. 38). A Rule 26(f) report was filed on November 22, 2022 (ECF No. 39) and so ordered on November 25, 2022 (ECF No. 40). Three prior requests were made to modify the deadlines in the current Rule 26(f) report (*see* ECF Nos. 41, 43 and 45), and were granted by the Court (*see* ECF Nos. 42, 44 and 46).

Thank you for Your Honor's consideration of the parties' joint request.

Respectfully submitted,



Nancy S. Portney

cc: Edward S. Benson, Esquire (via ECF)
Nicoletti Spinner Ryan Gulino Pinter LLP

Lisa Szczepanski, Esquire (via ECF)
Usery & Associates

Application granted. The September 13, 2023 pre-motion conference is **adjourned** to **November 15, 2023**, at **12:30 p.m.** Dial-in: 888-363-4749, with access code 8140049.

SO ORDERED.

New York, New York
August 25, 2023

/s/ John G. Koeltl
John G. Koeltl, U.S.D.J.